

# COPY

GATES & COOPER LLP

United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and city next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below inventors are named below) of the subject matter which is claimed and for which a patent is entitled:

### EXECUTING REMOTE PROCEDURES IN REMOTE PROCESSOR FROM A CLIENT PROCESS EXECUTED IN A LOCAL PROCESSOR

The specification of which:

a ☐ is attached hereto.

b ☒ was filed on September 3, 1999 as PCT International Application Number PCT/US99/20460 reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, as amended by any amendment referred to above.

I acknowledge the duty to disclose information pertinent to this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any PCT international application(s) for patent or inventor's certificate or 365(a) of any PCT international application in one country other than the United States of America, listed below and have also identified for patent or inventor's certificate or any PCT application having a filing date before the date of which priority is claimed:

a ☒ no such applications have been filed.

b ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States or PCT international application(s) designating the United States of America, listed below and of each of the claims of this application is not disclosed in the prior United States or PCT manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which is the date of the prior application and the national or PCT international filing date of this application.

(G&C 00149.1-US-WO)

# COPY

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/099,025	03 SEP 98

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

George H. Gates	Registration No. 33,500
Victor G. Cooper	Registration No. 39,641
Karen S. Canady	Registration No. 39,927
William J. Wood	Registration No. 42,236
Jason S. Feldmar	Registration No. 39,187
Bradley K. Lortz	Registration No. 45,472

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Gates & Cooper LLP to the contrary.

Please direct all correspondence in this case to the firm of Gates & Cooper LLP at the address indicated below:

GATES & COOPER LLP  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1)	Full Name Of Inventor	Family Name DARRAH	First Given Name Byron	Second Given Name C.
	Residence & Citizenship	City Diamond Bar	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 546 Prospectors Road	City Diamond Bar	State & Zip Code/Country California 91765 / U.S.A.
Signature of Inventor(1): <i>Byron C. Darrah</i>				Date: 03/02/2001

(2)	Full Name Of Inventor	Family Name KLINGER	First Given Name Allen	Second Given Name
	Residence & Citizenship	City Los Angeles	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 12515 Rosy Circle	City Los Angeles	State & Zip Code/Country California 90066 / U.S.A.
Signature of Inventor(2): <i>Allen Klinger</i>				Date: 3 1 2001

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest in patent examination occurs when, at the time an application is being examined, the Office is teachings of all information materiality. Each individual associated with the filing and pr patent application has a duty of candor and good faith in dealing with the Office, which in Office all information known to that individual is to be disclosed in this section. The d disclose information exists with respect to each pending claim until the claim is canceled consideration, or the application becomes abandoned. Information materiality is canceled or withdrawn from consideration need not be submitted if the information is not materiality of any existing claim. The duty to disclose all information known patentability is deemed to be satisfied if all information materiality is disclosed in a patent was cited by the Office or submitted to the Office in the application. If the information is not materiality, no patent will be granted on an application in connection with which fraud on the Office w the duty of disclosure was violated through bad faith or intentional misconduct. The Office carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart app
  - (2) the closest information over which individuals associated with the filing or proc application believe any prior art defines, to make sure that any material informati therein is disclosed to the Office.
- (b) Under this section, information materiality when it is not cumulative to information already or being made of record in the application, and
- (1) it establishes, by itself or in combination with other information, prima facie claim; or
  - (2) it refutes, or is inconsistent with, a position the applicant takes in:
    - (i) opposing an argument of materiality relied on by the Office, or
    - (ii) asserting an argument of materiality.

A prima facie case of unpatentability is established when the information compels a conclusion that the invention is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term its reasonable construction consistent with the specification, and before any consideration is given to the prior art. The burden of proof is on the party asserting unpatentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section include:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application who is associated with the inventor, with the assignee or with anyone to whom there is an assignment of the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by filing a statement of the attorney, agent, or inventor.

**GATES & COOPER LLP**  
**United States Patent Application**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor I hereby declare that: my residence, post office address and city next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below inventors are named below) of the subject matter which is claimed and for which a patent is entitled:

**EXECUTING REMOTE PROCEDURES IN REMOTE PROCESSOR FROM A CLIENT  
PROCESS EXECUTED IN A LOCAL PROCESSOR**

The specification of which:

a ☐ is attached hereto.

b ☒ was filed on September 3, 1999 as PCT International Application Number PCT/US99/20460 reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, as amended by any amendment referred to above.

I acknowledge the duty to disclose information pertinent to this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any application(s) for patent or inventor's certificate or 365(a) of any PCT international application in one country other than the United States of America, listed below and have also identified for patent or inventor's certificate or any PCT application having a filing date before that of which priority is claimed:

a ☒ no such applications have been filed.

b ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
OTHER FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States or PCT international application(s) designating the United States of America, listed below and of each of the claims of this application is not disclosed in the prior United States or PCT manner provided by the first paragraph of Title 35, United States Code, § 112. I acknowledge material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which is the date of the prior application and the national or PCT international filing date of this application.

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/099,025	03 SEP 98

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

George H. Gates	Registration No. <u>33,500</u>
Victor G. Cooper	Registration No. <u>39,641</u>
Karen S. Canady	Registration No. <u>39,927</u>
William J. Wood	Registration No. <u>42,236</u>
Jason S. Feldmar	Registration No. <u>39,187</u>
Bradley K. Lortz	Registration No. <u>45,472</u>

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Gates & Cooper LLP to the contrary.

Please direct all correspondence in this case to the firm of Gates & Cooper LLP at the address indicated below:

GATES & COOPER LLP  
Howard Hughes Center  
6701 Center Drive West, Suite 1050  
Los Angeles, CA 90045

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1)	Full Name Of Inventor	Family Name <u>DARRAH</u>	First Given Name <u>Byron</u>	Second Given Name <u>C.</u>
	Residence & Citizenship	City <u>Diamond Bar</u> <u>CA</u>	State or Foreign Country <u>California</u>	Country of Citizenship <u>U.S.A.</u>
	Post Office Address	Post Office Address <u>546 Prospectors Road</u>	City <u>Diamond Bar</u>	State & Zip Code/Country <u>California 91765 / U.S.A.</u>
Signature of Inventor(1): <u>Byron C. Darrah</u>				Date: <u>03/02/2001</u>

200

(2) Full Name Of Inventor	Family Name KLINGER	First Given Name Allen	Second Given Name
Residence & Citizenship	City Los Angeles CA	State or Foreign Country California	Country of Citizenship U.S.A.
Post Office Address	Post Office Address 12515 Rosy Circle	City Los Angeles	State & Zip Code/Country California 90066 / U.S.A.
Signature of Inventor(2): <i>Allen Klinger</i>			Date: 3 1 2001

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest in patent examination occurs when, at the time an application is being examined, the Office is teachings of all information available to the public. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes the disclosure of all information known to that individual that is material to the patentability of the claimed invention. The duty to disclose information exists with respect to each pending claim until the claim is canceled, withdrawn, or the application becomes abandoned. Information that is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information that is not material to the patentability of any existing claim. The duty to disclose all information known to be material to the patentability is deemed to be satisfied if all information that is material to the patentability of the claimed invention was cited by the Office or submitted to the Office in the application. If the information was not so cited or submitted, no patent will be granted on an application in connection with which fraud on the Office was practiced. The duty of disclosure was violated through bad faith or intentional misconduct. The Office will carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application;

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any patentable invention exists, to make sure that any material information therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record in the application, and

(1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) it refutes, or is inconsistent with, a position the applicant takes in:

(i) opposing an argument or a position relied on by the Office, or

(ii) asserting an argument or a position.

A prima facie case of obviousness is established when the information compels a conclusion that unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term its reasonable construction consistent with the specification, and before any consideration is given to the prior art, the invention is obvious to one of ordinary skill in the art.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section include:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application who is associated with the inventor, with the assignee or with anyone to whom there is an assignment of the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by designating the attorney, agent, or inventor.



For: "EXECUTING REMOTE PROCEDURES IN A REMOTE PROCESSOR FROM A CLIENT PROCESS  
EXECUTED IN A LOCAL PROCESSOR"

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
(37 CFR 1.9(f) and 1.27 (d) - NONPROFIT ORGANIZATION)

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION THE REGENTS OF THE UNIVERSITY OF CALIFORNIA  
ADDRESS OF ORGANIZATION 1111 Franklin Street, 12<sup>th</sup> Floor  
TYPE OF ORGANIZATION Oakland, CA 94607-5200

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))  
☒ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE )  
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))  
IF LOCATED IN THE UNITED STATES OF AMERICA  
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATES OF  
THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
(NAME OF STATE )  
(CITATION OF STATUTE )

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention  
**EXECUTING REMOTE PROCEDURES IN A REMOTE PROCESSOR FROM A CLIENT PROCESS  
EXECUTED IN A LOCAL PROCESSOR.**

- ☐ the specification filed herewith  
☒ application serial no. TBA, based on PCT/US99/20460, filed 9/3/99  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

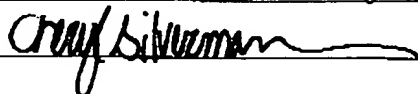
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Cheryl Silverman  
TITLE IN ORGANIZATION Patent Prosecution Analyst  
ADDRESS OF PERSON SIGNING 10920 Wilshire Blvd., Suite 1200  
Los Angeles, CA 90024-1406

SIGNATURE \_\_\_\_\_



DATE \_\_\_\_\_

3-2-01